

House File 2126 - Introduced

HOUSE FILE 2126
BY TJEPKES

A BILL FOR

1 An Act specifying those authorized to solemnize marriages in
2 this state, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 595.10, subsection 1, Code 2009, is
2 amended to read as follows:

3 1. A ~~judge of the~~ supreme court justice, court of appeals
4 judge, or district court judge, including a district associate
5 judge, associate juvenile judge, or a judicial magistrate,
6 and including a senior judge as defined in section 602.9202,
7 subsection 3, or a retired supreme court justice, a retired
8 court of appeals judge, a retired district court judge, or a
9 retired judicial magistrate.

10 Sec. 2. Section 595.12, Code 2009, is amended to read as
11 follows:

12 1. A judge or magistrate authorized to solemnize a marriage
13 under section 595.10, subsection 1, may charge a reasonable fee
14 for officiating and making return for each marriage solemnized
15 at a time other than regular judicial working hours. In
16 addition the judge or magistrate may charge the parties to the
17 marriage for expenses incurred in solemnizing the marriage.

18 ~~No~~ A judge or magistrate shall ~~make any~~ not charge for
19 solemnizing a marriage during regular judicial working hours.
20 The supreme court shall adopt rules prescribing the maximum fee
21 and expenses that the judge or magistrate may charge.

22 2. ~~A minister~~ An individual authorized to solemnize a
23 marriage under section 595.10, subsection 2, may charge a
24 reasonable fee for each marriage solemnization and making
25 return in an amount agreed to by the parties.

26 Sec. 3. Section 595.13, Code 2009, is amended to read as
27 follows:

28 After the marriage has been solemnized, the officiating
29 ~~minister or magistrate~~ individual authorized to solemnize a
30 marriage under section 595.10 shall attest to the marriage on
31 the blank provided for that purpose and return the certificate
32 of marriage within fifteen days to the county registrar who
33 issued the marriage license.

34 Sec. 4. Section 595.16, Code 2009, is amended to read as
35 follows:

1 When a marriage is consummated without the services of a
2 ~~cleric or magistrate~~ an individual authorized to solemnize
3 a marriage under section 595.10, the required return of the
4 marriage may be made to the county registrar by either spouse.

5 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
6 immediate importance, takes effect upon enactment.

7 EXPLANATION

8 This bill authorizes, in addition to those judges already
9 authorized to solemnize marriage, retired supreme court
10 justices, retired court of appeals judges, retired district
11 court judges, and retired judicial magistrates to solemnize
12 marriages in this state. The bill also makes corrective
13 changes in provisions of Code chapter 595 (marriage) relating
14 to those who currently are authorized to solemnize marriages.